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APPLICATION NO	. F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/826,267 04/04/2001		Scott Pletzer	297912003900	3384		
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		ERSTER, LLP	EXAMINER			
555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024				WILLSE, DAVID H		
				ART UNIT	PAPER NUMBER	
				3738		
				DATE MAILED: 11/06/2002	DATE MAILED: 11/06/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner	.1	Application No.	Applicant(s)					
## Device Action Summary Examiner								
Dave Willae	Office Action Summany							
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Elementor of time may be available under the provisions of JCPR 1.13(a). In no event, however, may a reply be timely filed after SIX (5) MONTH's from the malling date of this communication. Elementor of time may be available under the provisions of JCPR 1.13(a). In no event, however, may a reply be timely filed after SIX (5) MONTH's from the malling date of this communication. Fallure to reply within the set or obtained gate of this communication. Fallure to reply within the set or obtained prior of the provision of the set of the communication. Any reply received by the Official them times morths extended prior do reply will, by shakels, cause the application to become AB/MOCNED (SS U.S.C. § 133). Any reply received by the Official them times morths extended prior do reply will. By shakels, cause the application to become AB/MOCNED (SS U.S.C. § 133). Any reply received by the Official them times morths extended prior do reply will. By shakels, cause the application to become AB/MOCNED (SS U.S.C. § 133). Any reply received by the Official them times morths extended prior of the communication. Provided them to the set of the communication of the communication of the communication. Provided them to the set of the communication of the communication. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.22 Is/are pending in the application. 4) Claim(s) 1.22 Is/are pending in the application. 4) Claim(s) 1.22 Far excepted to by the Examiner. 10 The drawing(s) fised on 1.32 Far excepted or by the Examiner. 11 Far proved, corrected drawing correction filed on 1.32 Far excepted or by the Examiner. 12 Far proved, corrected drawing correction filed on 1.32 Far excepted or by the Examiner. 13 F	Office Action Summary							
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2a) This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-22 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-22 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11 The proposed drawing correction filed on is: a) approved b down approved by the Examiner. 12 The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b Some of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No. sophication from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies of the certified copies of the priority under 35 U.S.C. § 119(e) (to a provisional application). a) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15 Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. Attachment(s)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a repleing 1 If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statute. Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). 	I36(a). In no event, however, may a reply ly within the statutory minimum of thirty (30 will apply and will expire SIX (6) MONTHS	be timely filed) days will be considered timely. from the mailing date of this communication. DONED (35 U.S.C. § 133).					
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)							
	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Info	• •					

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Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-16, drawn to a device for altering a surface, classified in class 425, subclass 383+.

II. Claims 17-22, drawn to a method of altering a surface, classified in class 264, subclass 239+.

The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process (MPEP § 806.05(e)). In this case, the process as set forth in claim 17 can be practiced by a materially different apparatus such as a mandrel system that does not include the incremental rotation feature of claim 1, and the apparatus as claimed can be used to practice another and materially different process such as one which does not collapse the prosthesis for loading into a delivery sheath but rather directly inserts the prosthesis into a lumen so as to provide uniform support for said lumen.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent required searches, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse, whose telephone number is (703) 308-2903 and

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who is generally available Monday through Thursday during most of each day. The supervisor, Corrine McDermott, can be reached at (703) 308-2111. The receptionist's phone number is (703) 308-0858, and the main FAX numbers are (703) 305-3591, 3590.

dhw: D. Willse November 5, 2002 DAVE WILLSE PRIMARY EXAMINER ART UNIT 3738